

## THIRTY-FOURTH DAY.

(Monday, February 28, 1921.)

The House met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Thomas.

The roll was called and the following members were present:

Adams.	Kellis.
Aiken.	King.
Baker.	Kveton.
Baldwin.	Laird.
Barker.	Lauderdale.
Barrett of Bell.	Lawrence.
Barrett of Fannin.	Lindsey.
Bass.	Looney.
Beasley	McCord.
of Hopkins.	McDaniel.
Binkley.	McFarlane.
Black, W. A.,	McKean.
of Bexar.	McLeod.
Bonham.	Malone.
Branch.	Martin.
Brown.	Marshall.
Bryant.	Mathes.
Burkett.	Melson.
Burmeister.	Menking.
Burns.	Merriman.
Carpenter.	Miller of Dallas.
Childers.	Miller of Parker.
Chitwood.	Moore.
Coffee.	Morris of Medina.
Cox.	Morris
Crawford.	of Montague.
Cummins.	Neblett.
Curtis.	Owen.
Darroch.	Patman.
Davis, John E.,	Perkins
of Dallas.	of Cherokee.
Davis, John,	Perkins of Lamar.
of Dallas.	Perry.
Duffey.	Pollard.
Duncan.	Pool.
Edwards.	Pope.
Faubion.	Quaid.
Fly.	Quicksall.
Fugler.	Quinn.
Garrett.	Rice.
Greer.	Rogers of Harris.
Grissom.	Rogers of Shelby.
Hanna.	Rosser.
Hardin.	Rountree.
Harrington.	Rowland.
Harrison.	Satterwhite.
Henderson.	Schweppe.
of McLennan.	Sims.
Hendricks.	Smith.
Hill.	Sneed.
Horton.	Stephens.
Johnson	Stevenson.
of Gillespie.	Stewart
Johnson of Ellis.	of Edwards.
Johnson	Stewart of Reeves.
of Wichita.	Swann.
Jones.	Sweet of Brown.
Kacir.	Sweet of Tarrant.

Teer.	Wadley.
Thomason.	Walker.
Thompson	Wallace.
of Harris.	Webb.
Thompson	Wessels.
of Red River.	West.
Thorn.	Williams
Thrasher.	of McLennan.
Veatch.	Wright.

Absent.

Black, O. B.,	Laney.
of Bexar.	Thomas
Estes.	of Limestone.

Absent—Excused.

Beasley	Lackey.
of McCulloch.	Leslie.
Beavens.	Morgan.
Brady.	Mott.
Crumpton.	Seagler.
Dinkle.	Shearer.
Hall.	Westbrook.
Henderson	Williams
of Marion.	of Montgomery.

A quorum was announced present.

Prayer was then offered by Rev. J. C. Mitchell, Chaplain.

## LEAVES OF ABSENCE GRANTED.

The following members were granted leaves of absence on account of important business:

Mr. Morris of Medina for last Saturday, on motion of Mr. Jones.

Mr. Harrison for today and tomorrow, on motion of Mr. Johnson of Gillespie.

Mr. Brady for today, on motion of Mr. Binkley.

Mr. Thompson of Harris for last Saturday, on motion of Mr. Merriman.

Mr. Beavens for today, on motion of Mr. Thompson of Harris.

Mr. Mott for today, on motion of Mr. Carpenter.

Mr. Lackey for today and tomorrow, on motion of Mr. Carpenter.

Mr. Shearer for today, on motion of Mr. Teer.

Mr. Hall for today, on motion of Mr. W. A. Black of Bexar.

Mr. Morgan for today, on motion of Mr. West.

Mr. John Davis of Dallas for last Saturday, on motion of Mr. Bonham.

Mr. Crumpton for today and indefinitely, on motion of Mr. Marshall.

Mr. Henderson of Marion for today and indefinitely, on motion of Mr. Patman.

Mr. Beasley of McCulloch for today and indefinitely, on motion of Mr. Sims.

## BILLS ORDERED NOT PRINTED.

On motion of Mr. McKean, it was ordered that Senate bill No. 273 be not printed.

On motion of Mr. Johnson of Wichita, it was ordered that House bill No. 529 be not printed.

On motion of Mr. Satterwhite, it was ordered that House bill No. 534 be not printed.

## HOUSE BILL NO. 70 ON SECOND READING.

On motion of Mr. Curtis, the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment,

H. B. No. 70, A bill to be entitled "An Act to require public gins in this State to secure a permit from the Commissioner of Markets and Warehouses from and after July 1, 1921, and annually thereafter, making it unlawful to operate a public gin without such permit; defining a public gin; providing a penalty for violation of this act; fixing the venue of prosecutions under this act; authorizing the Commissioner of Markets and Warehouses to cancel the permit when the gin is operated in violation of law, and declaring an emergency."

The Speaker laid the bill before the House and it was read second time.

Mr. Curtis offered the following amendment to the bill:

Amend House bill No. 70, Section 8, page 2, line 21, of the printed bill, by striking out "sholesale" and inserting "wholesale."

The amendment was adopted.

Mr. Curtis offered the following amendment to the bill:

Amend House bill No. 70, Section 8, page 2, lines 14 and 16 of printed bill, by inserting the word "oil" between the words "seed" and "mill."

The amendment was adopted.

Mr. Fly offered the following amendment to the bill:

Amend House bill No. 70, page 1, in line 18, by striking out the period after the words "public gin" and inserting "and a notice prepared by the Commissioner of Markets and Warehouses containing all facts sworn to in said application has been posted in a conspicuous place in the office of such gin."

The amendment was adopted.

Mr. Martin offered the following amendment to the bill:

Amend House bill No. 70, page 1, line 39, by striking out the figures "1922"

and insert in lieu thereof the figures "1923."

Mr. Morris of Medina offered the following amendment to the bill:

Amend House bill No. 70 by striking out the enacting clause.

Question—Shall the amendment be adopted?

Pending consideration of the amendment, Mr. Miller of Parker occupied the chair temporarily.

(Speaker in the chair.)

## MESSAGE FROM THE SENATE.

Senate Chamber,  
Austin, Texas, February 28, 1921.

Hon. Charles G. Thomas, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has adopted the Conference Committee reports on House bill No. 342 and House bill No. 227.

Respectfully,

A. W. HOLT,  
Assistant Secretary of the Senate.

## BILLS SIGNED BY THE SPEAKER.

The Speaker signed, in the presence of the House, after giving due notice thereof, and their captions had been read severally, the following enrolled bills:

S. B. No. 155, "An Act creating the Laneville Independent School District of Rusk county; defining its boundaries; vesting it with the rights, powers, duties and privileges of districts incorporated for school purposes only under the general laws; providing for a board of trustees therefor, and declaring an emergency."

S. B. No. 151, "An Act to amend Section 2, of Chapter 8, Special Laws of the Thirty-sixth Legislature, enacted at its Fourth Called Session, redefining the boundaries of the Eagle Lake Independent School District; the said amendment providing for redefining the boundaries of said district, and providing for the extension of said district and the annexation of adjacent territory thereto, and declaring an emergency."

S. B. No. 158, "An Act creating and incorporating the Yorktown Independent School District in DeWitt county, Texas, containing the present Yorktown Independent School District and additional territory described in the field notes herein; providing that the school property be vested in such independent school district and that it assume all outstanding obligations of the school districts in the district created by this act; providing for a board of trustees for said dis-

trict, defining their powers and duties; defining the boundaries of said district, and declaring an emergency."

S. B. No. 179, "An Act creating the Luling Independent School District in Caldwell county, Texas; defining its boundaries; providing for a board of trustees in said district; conferring upon said district and its boards of trustees all the rights, powers, privileges and duties now conferred and imposed by the general laws of Texas upon independent school districts and the boards of trustees thereof; providing for the election of a board of trustees and for their successors in office; providing for an assessor and collector of taxes and board of equalization; conferring upon said district the authority to extend its boundaries, and declaring an emergency."

S. B. No. 138, "An Act creating the Leaky Independent School District, in Real county, Texas, providing a board of trustees therefor, vesting it with all the rights, powers and duties of districts incorporated for school purposes only under the general laws, and declaring an emergency."

S. B. No. 245, "An Act creating the Palestine Independent School District in Anderson county, Texas, making its boundaries co-extensive with the city of Palestine; providing for a board of trustees; vesting title to all school property within said district in the trustees and their successors; providing that the present board of trustees of the Palestine public schools be the board of trustees for this district, and the terms of office of said trustees shall expire as heretofore, and their successors have been elected and qualified; authorizing the board of trustees to exercise all the rights and powers conferred by the general laws upon trustees, and all such powers as heretofore possessed by the board of school trustees of the city of Palestine; giving to said district all the rights, powers, privileges and duties of a town or village incorporated for free school purposes only; and vesting in said board of trustees of said district all such powers, rights privileges and duties given or imposed by general law upon the trustees of independent school districts; and all such powers that are now vested in the city council of Palestine, in so far as they relate to, or concern, the public free schools, and also such powers as are, or may be, vested in the governing body of any city in this State incorporated under the general laws, in so far as same relates to the public free schools; validating and continuing in force the local maintenance tax heretofore voted in said city of Palestine until

the voters in this district shall increase, diminish or abolish said tax; providing that any tax provided by general law and voted during 1921 shall be collected for 1921 and subsequent years, and may be levied, assessed and collected on or before January 31, after such election, and annually thereafter, as provided by general law, until changed by a vote of the district; providing that if any part of this act is held ineffective or unconstitutional, the remaining parts shall not be invalidated, and repealing all laws in conflict, and declaring an emergency."

S. B. No. 95, "An Act to amend Section — of Chapter 81 of the Local and Special Laws of the State of Texas passed by the Thirty-sixth Legislature at its Regular Session, so as to redefine with greater certainty the territory within the Donna Independent School District, and declaring an emergency."

S. B. No. 176, "An Act creating the Falfurrias Independent School District in Brooks county, Texas; defining its boundaries; providing for a board of trustees in said district; conferring upon said district and its board of trustees all the rights, powers, privileges and duties now conferred and imposed by the general laws of Texas upon independent school districts, and the boards of trustees thereof; declaring that all taxes or bonds heretofore authorized by any former school district included within the bounds thereof shall remain in full force and effect, and declaring an emergency."

S. B. No. 194, "An Act amending Section 20, of Chapter 68, of the Local and Special Laws of the State of Texas passed by the Thirty-sixth Legislature at its Regular Session, by providing that the board of trustees of Pharr-San Juan Independent School District may employ an attorney to represent the said district in the enforcement of its lien for taxes; providing compensation for such services to such attorney; repealing all laws in conflict herewith, and declaring an emergency."

S. B. No. 160, "An Act creating the Hammond Independent School District of Robertson county, Texas, as is included by the field notes as follows; defining its boundaries; investing it with the rights, powers and duties and privileges of a district incorporated for school purposes under the general law; providing for a board of trustees therefor; making provisions for taxation for school purposes in said district, and declaring an emergency."

S. B. No. 184, "An Act creating the Desdemonia Independent School District

in Eastland county, Texas, defining its boundaries, such boundaries to be the same as Common School District No. 41 of Eastland county; providing for a board of trustees in said district; conferring upon said district and its board of trustees all the rights, powers, privileges and duties now conferred and imposed by the general laws of Texas upon independent school districts and the board of trustees thereof; providing that the present board of trustees of said Common School District No. 41 shall continue in office until the first Saturday in April, 1921, or until their successors are elected and qualified; and providing that such trustees shall have the power to appoint four other trustees; providing for an election to be held on the first Saturday of April, 1921, to elect the successors of said trustees; declaring the maintenance tax and bond tax heretofore authorized in said Common School District No. 41 to be valid and binding upon said independent school district; providing for an assessor and collector of taxes for said district; providing for the levying, assessing and collecting of taxes for the current year, and annually thereafter; providing that all bonds, obligations, contracts and indebtedness legally existing against Common School District No. 41 are imposed upon the Desdemonia Independent School District; providing the title to all property within said district and all funds shall vest in the board of trustees of said Desdemonia Independent School District and their successors in office, and declaring an emergency."

S. B. No. 94, "An Act creating the Weslaco Independent School District in Hidalgo county, Texas; defining its boundaries; providing for a board of trustees in said district; conferring upon said district and its boards of trustees all the rights, powers, privileges and duties now conferred and imposed by the general laws of Texas upon independent school districts and the boards of trustees thereof; declaring that all taxes or bonds heretofore authorized by any former school district included within the bounds thereof shall remain in full force and effect; providing for the appointment of an assessor and collector of taxes and board of equalization for said district, and declaring an emergency."

#### HOUSE BILLS ON FIRST READING.

The following House bills, introduced today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

By Mr. Darroch:

H. B. No. 557, A bill to be entitled "An Act creating the Mullin Independent School District in Mills county, Texas; defining its boundaries, including the present Mullin Independent School District; providing for a board of trustees in said district, conferring upon said district and its boards of trustees all the right, powers, privileges and duties now conferred and imposed by the general laws of Texas upon independent school districts and the boards of trustees thereof, or any other law or laws that may be hereafter enacted governing independent school districts created or incorporated for free school purposes only under the general laws of this State, providing that the present board of trustees continue in office until the expiration of their respective terms, and declaring an emergency."

Referred to Committee on Education.

By Mr. Burns and Mr. Garrett:

H. B. No. 558, A bill to be entitled "An Act to extend the time for prospecting for oil and gas on public school land under the terms of oil and gas permits heretofore issued, in cases where any such permit is owned by the same person who owns the surface of the land included in said permit so as to allow such joint owner of the permit and the surface a period of five years from date of the issuance of such permit to develop said land for oil and gas under the provisions of such permit; providing for drilling of offset wells under direction of the Commissioner of the General Land Office and forfeiture in case of failure to drill such offsets; providing that nothing herein shall affect the rights of such owners to relinquish their permits in case they desire to do so, nor affect permits heretofore issued in case where the owner of the permit is not also the owner of the surface, and declaring an emergency."

Referred to Committee on Public Lands and Buildings.

By Mr. Kellis:

H. B. No. 559, A bill to be entitled "An Act to amend Section 1, House bill No. 533, Chapter 47, of the Local and Special Laws passed at the Regular Session of the Thirtieth Legislature, as amended by House bill No. 445, Chapter 39, of the Local and Special Laws passed at the Regular Session of the Thirty-sixth Legislature, entitled 'An Act creating the Eldorado Independent

School District in Schleicher county, Texas, so as to extend the boundaries of said district, and declaring an emergency."

Referred to Committee on Education.

By Mr. McDaniel:

H. B. No. 560, A bill to be entitled "An Act for the relief of railway corporations having charters granted since the first day of December, A. D. 1919, and which have failed or are about to fail to construct their roads or any part thereof within the time required by law, and declaring an emergency."

Referred to Committee on Common Carriers.

By Mr. Stevenson:

H. B. No. 561, A bill to be entitled "An Act granting to the city of Port Lavaca, Texas, all right, title and interest of the State of Texas to certain land lying and being situated under the waters of Lavaca Bay, and granting to said city of Port Lavaca, Texas, the right, power and authority to locate, construct, own and maintain certain sea walls or break waters on said lands and to fill in the space between the main land and said sea wall or the break waters with sand, dredge spoil or other material, and granting to the said city of Port Lavaca the right to take from Lavaca Bay such sand, dredge spoil or other material as may be necessary or desirous for filling in such space; and authorizing said city of Port Lavaca to remove and abate any encroachment or structures existing on said property, and to bring such suit or suits as may be necessary to carry out the provisions of this act; and granting to said city of Port Lavaca the right to fix the shipping district, and to authorize, purchase, construct, own and maintain piers and wharves and to grant franchises therefor, and to construct and maintain slips into the waters of Lavaca Bay beyond said sea walls or break waters, and within the territory herein granted; granting the right of eminent domain, and reserving all mineral rights to the State; providing for the appraisalment of said land and the sum per acre to be paid for said land, and the disposition of said funds, and the issuance of a patent therefor; fixing the time to begin construction and reserving to the State and the United States Government the right to erect wharves, piers and buildings on said land, and reserving the right to place all piers and wharves and the rate and charges thereon under the supervision of the Railroad Com-

mission of the State, and declaring an emergency."

Referred to Committee on Public Lands.

By Mr. Rogers of Harris:

H. B. No. 562, A bill to be entitled "An Act creating a county court at law No. 3 of Harris county, Texas, with jurisdiction coextensive with the territory now composing justice precinct No. 3 of said county; providing for necessary officials and employes of said court, a place to hold said courts, the time necessary in the creation and establishment of said court; providing for the transfer of cases to said court; prescribing the practice in said court, and declaring an emergency."

Referred to Judiciary Committee.

By Mr. Perkins of Cherokee:

H. B. No. 563, A bill to be entitled "An Act creating Wells County Line Independent School District in Cherokee and Angelina counties, Texas, including within its limits that certain territory described by metes and bounds; providing for its management by a board of trustees; providing for vesting certain rights, powers, privileges and duties; providing for a board of equalization; fixing their duties and powers; providing for the levy of taxes; providing for the disposition of schoolhouses; providing for assuming and care of present debts in bonds and of any other natures; declaring this act as cumulative, and declaring an emergency."

Referred to Committee on Education.

#### HOUSE JOINT RESOLUTION ON FIRST READING.

The following House joint resolution, introduced today, was laid before the House, read first time, and referred to the appropriate committee, as follows:

By Mr. Williams of McLennan:

H. J. R. No. 28, Proposing an amendment to Article 16 of the Constitution of the State of Texas by adding to said article a section to be known as Section 50, providing for the creation, establishment and maintenance of warehouse districts within the State of Texas and permitting the establishment of cotton compresses, cotton oil mills and cotton in connection with and as a part of same, and a sinking fund for the payment of same, and for the establishment of such warehouse districts by vote of the taxpayers in the district, and limiting the amount of tax that may be

assessed against the property in the district.

Referred to Committee on Constitutional Amendments.

# RECESS.

On motion of Mr. Pollard, the House at 12 o'clock m. took recess to 2 o'clock p. m. today.

# AFTERNOON SESSION.

The House met at 2 o'clock p. m., and was called to order by Speaker Thomas.

# MESSAGE FROM THE SENATE.

Senate Chamber,  
Austin, Texas, February 28, 1921.

Hon. Charles G. Thomas, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed

S. B. No. 45, A bill to be entitled "An Act repealing Article 7380, Title 126, Chapter 2, Revised Civil Statutes, 1911, providing for the payment of an occupation tax by individuals, companies, corporations and associations in this State selling pistols, and declaring an emergency," notwithstanding the objections of the Governor, by the following vote: yeas 22, nays 4. Same is returned herewith to the House with the Governor's objections.

Respectfully,

A. W. HOLT,

Assistant Secretary of the Senate.

# HOUSE BILL NO. 70 ON ENGROSSMENT.

The House resumed consideration of pending business, same being House bill No. 70, requiring public gins to secure a permit from the Commissioner of Markets and Warehouses, on its passage to engrossment, with amendments by Mr. Martin and Mr. Morris of Medina, pending.

Mr. Quinn moved the previous question on the pending amendments and engrossment of the bill, and the main question was ordered.

Question first recurring on the amendment by Mr. Morris of Medina, striking out the enacting clause of the bill, yeas and nays were demanded.

The amendment was lost by the following vote:

Yeas—47.

Adams.

Barker.

Barrett of Bell.  
Bass.  
Binkley.  
Black, W. A.,  
of Bexar.  
Brown.  
Burkett.  
Chitwood.  
Estes.  
Hardin.  
Hendricks.  
Johnson  
of Wichita.  
Kacir.  
Kveton.  
McFarlane.  
McKean.  
Malone.  
Marshall.  
Menking.  
Merriman.  
Miller of Dallas.  
Morgan.  
Morris of Medina.

Owen.  
Pool.  
Quaid.  
Quinn.  
Rogers of Harris.  
Rogers of Shelby.  
Rosser.  
Rowland.  
Satterwhite.  
Schweppe.  
Sims.  
Smith.  
Stephens.  
Stevenson.  
Sweet of Brown.  
Sweet of Tarrant.  
Thomason.  
Thompson  
of Red River.  
Walker.  
Webb.  
Wessels.  
West.  
Wright.

Nays—59.

Aiken.  
Baker.  
Baldwin.  
Barrett of Fannin.  
Beasley  
of Hopkins.  
Bonham.  
Branch.  
Burmeister.  
Burns.  
Carpenter.  
Childers.  
Coffee.  
Crawford.  
Cummins.  
Curtis.  
Darroch.  
Davis, John E.,  
of Dallas.  
Davis, John,  
of Dallas.  
Duffey.  
Duncan.  
Edwards.  
Faubion.  
Fly.  
Fugler.  
Garrett.  
Greer.  
Grissom.  
Hanna.  
Harrington.  
Henderson  
of McLennan.

Hill.  
Johnson  
of Gillespie.  
King.  
Laird.  
Lauderdale.  
Lawrence.  
Leslie.  
Looney.  
McCord.  
McDaniel.  
Martin.  
Melson.  
Morris  
of Montague.  
Neblett.  
Patman.  
Perkins  
of Cherokee.  
Perkins of Lamar.  
Pollard.  
Quicksall.  
Rice.  
Sneed.  
Swann.  
Teer.  
Thompson  
of Harris.  
Thorn.  
Thrasher.  
Veatch.  
Wallace.  
Williams  
of McLennan.

Absent.

Black, O. B.,  
of Bexar.  
Cox.  
Horton.

Johnson of Ellis.  
Laney.  
Lindsey.  
McLeod.

Mathes.	Stewart
Miller of Parker.	of Edwards.
Moore.	Stewart of Reeves.
Perry.	Thomas
Pope.	of Limestone.
Rountree.	Wadley.
Seagler.	

Absent—Excused.

Beasley	Henderson
of McCulloch.	of Marion.
Beavens.	Kellis.
Brady.	Mott.
Crumpton.	Shearer.
Dinkle.	Westbrook.
Harrison.	Williams
	of Montgomery.

Paired.

Mr. Bryant (present), who would vote "nay," with Mr. Lackey (absent), who would vote "yea."

Mr. Jones (present), who would vote "nay," with Mr. Hall (absent), who would vote "yea."

Mr. Curtis moved to reconsider the vote by which the amendment was lost, and to table the motion to reconsider.

The motion to table prevailed.

Question next recurring on the amendment by Mr. Martin, it was adopted.

Question then recurring on the engrossment of the bill, yeas and nays were demanded.

House bill No. 70 failed to pass to engrossment by the following vote:

Yeas—47.

Aiken.	Hill.
Baldwin.	Kellis.
Barrett of Fannin.	King.
Beasley	Lauderdale.
of Hopkins.	Lawrence.
Bonham.	Looney.
Branch.	McDaniel.
Burmeister.	Martin.
Burns.	Melson.
Carpenter.	Moore.
Childers.	Morris
Crawford.	of Montague.
Cummins.	Neblett.
Curtis.	Patman.
Darroch.	Perkins
Davis, John E.,	of Cherokee.
of Dallas.	Perkins of Lamar.
Duffey.	Pollard.
Edwards.	Quicksall.
Faubion.	Stewart of Reeves.
Fugler.	Teer.
Garrett.	Thorn.
Grissom.	Thrasher.
Hanna.	Veatch.
Harrington.	Wallace.
Henderson.	
of McLennan.	

Nays—62.

Adams.	Miller of Dallas.
Baker.	Morgan.
Barker.	Morris of Medina.
Barrett of Bell.	Owen.
Bass.	Pool.
Beavens.	Quaid.
Binkley.	Quinn.
Black, W. A.,	Rogers of Harris.
of Bexar.	Rogers of Shelby.
Brown.	Rosser.
Burkett.	Rowland.
Chitwood.	Satterwhite.
Coffee.	Schweppe.
Davis, John,	Sims.
of Dallas.	Smith.
Duncan.	Sneed.
Estes.	Stephens.
Fly.	Stevenson.
Greer.	Stewart
Hardin.	of Edwards.
Hendricks.	Swann.
Johnson	Sweet of Brown.
of Gillespie.	Sweet of Tarrant.
Johnson	Thomason.
of Wichita.	Thompson
Kacir.	of Harris.
Kveton.	Thompson
Laird.	of Red River.
McCord.	Walker.
McFarlane.	Webb.
McKean.	Wessels.
Malone.	West.
Marshall.	Williams
Mathes.	of McLennan.
Menking.	Wright.
Merriman.	

Absent.

Black, O. B.,	McLeod.
of Bexar.	Perry.
Cox.	Pope.
Horton.	Rountree.
Johnson of Ellis.	Thomas
Laney.	of Limestone.
Lindsey.	Wadley.

Absent—Excused.

Beasley	Leslie.
of McCulloch.	Mott.
Brady.	Seagler.
Crumpton.	Shearer.
Dinkle.	Westbrook.
Harrison.	Williams
Henderson	of Montgomery.
of Marion.	

Paired.

Mr. Bryant (present), who would vote "yea," with Mr. Lackey (absent), who would vote "nay."

Mr. Jones (present), who would vote "yea," with Mr. Hall (absent), who would vote "nay."

Mr. Rice (present), who would vote

"yea," with Mr. Miller of Parker (absent), who would vote "nay."

#### Reasons for Vote.

I vote against the passage of House bill No. 70, because in my opinion it is unconstitutional in that it violates the provisions of Section 18 of Article 1 of our Constitution, which says, "No citizen of this State shall be deprived of life, liberty, property, privileges or immunities, or in any manner disfranchised, except by the due course of the law of the land."

#### MARSHALL.

Mr. Miller of Dallas moved to reconsider the vote by which the bill failed to pass to engrossment, and to table the motion to reconsider.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

#### Yeas—63.

Adams.	McKean.
Baker.	Malone.
Barker.	Marshall.
Barrett of Bell.	Mathes.
Bass.	Menking.
Binkley.	Merriman.
Black, W. A.,	Miller of Dallas.
of Bexar.	Morgan.
Bonham.	Morris of Medina.
Brown.	Morris
Burkett.	of Montague.
Carpenter.	Owen.
Chitwood.	Pool.
Coffee.	Quaid.
Crawford.	Rogers of Harris.
Davis, John,	Rogers of Shelby.
of Dallas.	Rosser.
Duncan.	Rowland.
Estes.	Satterwhite.
Fly.	Schweppe.
Greer.	Sims.
Hardin.	Smith.
Henderson	Stephens.
of McLennan.	Stevenson.
Hendricks.	Swann.
Johnson	Sweet of Brown.
of Gillespie.	Sweet of Tarrant.
Johnson	Thomason.
of Wichita.	Thompson
Kacir.	of Red River.
Kellis.	Walker.
Kveton.	Webb.
Laird.	Wessels.
McCord.	West.
McFarlane.	Wright.

#### Nays—45.

Aiken.	Beasley
Baldwin.	of Hopkins.
Barrett of Fannin.	Branch.
	Burmeister.

Burns.	Martin.
Childers.	Melson.
Cox.	Patman.
Cummins.	Perkins
Curtis.	of Cherokee.
Darroch.	Perkins of Lamar.
Davis, John E.,	Pollard.
of Dallas.	Quicksall.
Duffey.	Quinn.
Edwards.	Rice.
Faubion.	Sneed.
Fugler.	Stewart of Reeves.
Garrett.	Teer.
Grissom.	Thompson
Hanna.	of Harris.
Harrington.	Thorn.
Hill.	Thrasher.
King.	Veatch.
Lauderdale.	Wallace.
Lawrence.	Williams
Looney.	of McLennan.
McDaniel.	

#### Absent.

Black, O. B.,	Neblett.
of Bexar.	Perry.
Horton.	Pope.
Johnson of Ellis.	Rountree.
Laney.	Stewart
Lindsey.	of Edwards.
McLeod.	Thomas
Miller of Parker.	of Limestone.
Moore.	Wadley.

#### Absent—Excused.

Beasley	Leslie.
of McCulloch.	Mott.
Beavens.	Seagler.
Brady.	Shearer.
Crumpton.	Westbrook.
Dinkle.	Williams
Harrison.	of Montgomery.
Henderson	
of Marion.	

#### Paired.

Mr. Jones (present), who would vote "nay," with Mr. Hall (absent), who would vote "yea."

Mr. Bryant (present), who would vote "nay," with Mr. Lackey (absent), who would vote "yea."

#### HOUSE BILL NO. 39 ON THIRD READING.

On motion of Mr. Lawrence, the regular order of business was suspended to take up and have placed on its third reading and final passage,

H. B. No. 39, A bill to be entitled "An Act amending Article 832 of Title 13 of the Revised Criminal Statutes of the State of Texas, 1911, providing that if any person liable to work upon the public roads, after being legally summoned, shall fail or refuse to attend,

either in person or by able and competent substitute, or fail or refuse to furnish his team or tools at the time and place designated by the person summoning him, or to pay the road overseer the sum of two dollars for each day he may have been notified to work on the public roads, or to pay to such road overseer the sum of two dollars and fifty cents for each day he may have been notified to furnish his team for road work, or having attended, shall fail or refuse to perform good service, or any other duty required of him by law, or the person under whom he may work, or to comply with any duty required of him by the laws relating to work on the public roads, shall be deemed guilty of a misdemeanor; prescribing penalty for violation of this act, and declaring an emergency."

The Speaker laid the bill before the House, and it was read third time.

Mr. Baldwin offered the following amendment to the bill:

Amend House bill No. 39, page 1, line 30, by striking out "two dollars" and inserting in lieu thereof "one dollar and fifty cents."

Signed—Baldwin, Lawrence.

The amendment was adopted.

Mr. Baldwin offered the following amendment to the bill:

Amend the caption of House bill No. 39, page 1, line 12, by striking out "two dollars" and inserting in lieu thereof "one dollar and fifty cents."

Signed—Baldwin, Lawrence.

The amendment was adopted.

House bill No. 39 was then passed.

Mr. Lawrence moved to reconsider the vote by which the bill was passed, and to table the motion to reconsider.

The motion to table prevailed.

#### REQUESTING RETURN OF HOUSE BILL NO. 432.

Mr. Cox offered the following resolution:

Resolved by the House of Representatives, That the Senate be and is hereby requested to return to the House House bill No. 432 for further consideration.

The resolution was read second time and was adopted.

#### HOUSE BILL NO. 431 ON SECOND READING.

On motion of Mr. Morris of Medina, the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment,

H. B. No. 431, A bill to be entitled "An Act to amend Chapter 78 of the Second Called Session of the Thirty-sixth Legislature by repealing Section 31 thereof and adding thereto a new section to be known as Section 31, providing that it shall not be necessary in any prosecution under this act to negative the exceptions herein made, but the same shall be available to the defendant as purely defensive matters."

The Speaker laid the bill before the House and it was read second time.

Mr. Curtis raised a point of order on consideration of the bill on the ground that it does not set out in full the sections it proposes to amend.

Mr. Henderson of McLennan raised a point of order on consideration of the bill on the ground that it is not in compliance with Section 36, Article 3, of the Constitution, for the reason that it proposes to amend an entire chapter and not merely a section of the law, and therefore all of said chapter would have to be set out in full in the bill.

The Speaker overruled the point of order.

Mr. Burkett offered the following amendment to the bill:

Amend House bill No. 431 by striking out below the enacting clause and insert the following:

Section 1. It shall be unlawful for any person, directly or indirectly, to manufacture, sell, barter, exchange, transport, export, deliver, solicit, take orders for, or furnish, spirituous, vinous or malt liquors or medicated bitters capable of producing intoxication, or any other intoxicant whatever, or any equipment for such liquors, except for medicinal, mechanical, scientific, or sacramental purposes.

Sec. 2. It shall be unlawful for any person, directly or indirectly, to manufacture, sell, barter, exchange, transport, export, deliver, solicit or take orders for or furnish any spirituous, vinous or malt liquors or medicated bitters or any potable liquor mixture or preparation containing in excess of 1 per cent alcohol by volume, or any equipment for making such liquors, except for medicinal, mechanical, scientific or sacramental purposes.

Sec. 3. Section 31 of Acts of 1919, Second Called Session, Chapter 78, of Legislature of the State of Texas, is hereby expressly repealed.

Mr. Pollard moved the previous question on the amendment and the bill, and the motion was not seconded.

Mr. Quaid raised a point of order on consideration of the amendment by Mr.

Burkett on the ground that it is not germane to the purpose of the bill.

The Speaker sustained the point of order.

Mr. Quaid offered the following amendment to the bill:

Amend House bill No. 431 by adding after the word "matter" the following words: "and all laws in conflict herewith are hereby repealed."

The amendment was adopted.

Mr. Darroch offered the following amendment to the bill:

Amend House bill No. 431 by adding after the words "Section 31," line 18, the following: "It shall be unlawful for any person to receive from any other person or carrier any spirituous, vinous or malt liquor for the purpose of sale, either by the person receiving same or by some other person, or to possess for the purpose of sale any such spirituous, vinous or malt liquors, and such person shall be punished as provided in the penal section of this act."

The amendment was adopted.

On motion of Mr. Baldwin, the bill was laid on the table subject to call.

#### BILLS SIGNED BY THE SPEAKER.

The Speaker signed, in the presence of the House, after giving due notice thereof, and their captions had been read severally, the following enrolled bills:

S. B. No. 220, "An Act creating the Hewitt Independent School District in McLennan county, Texas; defining its boundaries, including the present Hewitt Independent School District; providing for a board of trustees in said district; conferring upon said district and its board of trustees all the rights, powers, privileges and duties now conferred and imposed by the general laws of Texas upon independent school districts and the boards of trustees thereof; providing that the present board of trustees continue in office until the expiration of their respective terms; providing for an assessor and collector of taxes and board of equalization; providing that the Hewitt Independent School District as herein created shall become bonded and liable for the payment of its pro rata part of any outstanding bonded indebtedness heretofore voted upon any territory taken away from any other school district and included within the bounds of the Hewitt Independent School District as herein created, and declaring an emergency."

S. B. No. 233, "An Act amending Section 14 of Chapter 85 of the Local and

Special Laws of the State of Texas, passed by the Thirty-sixth Legislature at its Regular Session, by providing that the board of trustees of Edinburg Independent School District may employ an attorney to represent the said district in the enforcement of its lien for taxes; providing compensation for such services to such attorney; repealing all laws in conflict herewith, and declaring an emergency."

S. B. No. 232, "An Act amending Section 14 of Chapter 81 of the Local and Special Laws of the State of Texas passed by the Thirty-sixth Legislature at its Regular Session, by providing that the board of trustees of Donna Independent School District may employ an attorney to represent the said district in the enforcement of its lien for taxes; providing compensation for such services to such attorney; repealing all laws in conflict herewith, and declaring an emergency."

S. B. No. 88, "An Act to amend Section 61 of Article 30, Title V, of the Revised Statutes changing the time of holding the terms of the district court of the Sixty-first Judicial District of Texas; repealing all laws and parts of laws in conflict therewith, and declaring an emergency."

#### MESSAGE FROM THE SENATE.

Senate Chamber,

Austin, Texas, February 23, 1921.

Hon. Charles G. Thomas, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has adopted

H. C. R. No. 26, Providing for sine die adjournment for March 12.

And has passed

S. B. No. 237, A bill to be entitled "An Act to amend Article 788 of the Code of Criminal Procedure of this State, adopted in 1911, by providing that all persons are competent to testify in criminal actions, except insane persons who are in the insane condition of mind at the time when they are offered as witnesses, or who were in that condition when the events happened of which they are called to testify; children or other persons who, after being examined by the court, appear not to possess sufficient intellect to relate transactions with respect to which they are interrogated, or who do not understand the obligation of an oath; and also all persons who have been or may be convicted of a felony in this State or

in any other jurisdiction, unless such conviction has been legally set aside or unless the convict has been legally pardoned for the crime of which he was convicted, or, unless the right to testify has been restored to the convict without the grant of a pardon in other respects; but providing that no person who has been convicted of a crime of perjury or false swearing, and whose conviction has not been legally set aside, shall have his competency as a witness restored by pardon, or by the action of the Governor or other pardoning power granting to the convict the right to testify, unless such pardon or restoration of the right to testify by its terms specifically restores his competency to testify in a court of justice; also providing that the Governor of the State shall have full power and authority to restore to the convict the right to testify in all courts of justice by proclamation issued for such purpose, without in any way limiting or annulling any portion of the judgment, decree, sentence or punishment of such convict, and declaring an emergency."

Respectfully,

A. W. HOLT,

Assistant Secretary of the Senate.

#### CONSIDERATION OF VETO OF SENATE BILL NO. 45.

The Speaker laid before the House for consideration at this time,

S. B. No. 45, A bill to be entitled "An Act repealing Article 7380, Title 126, Chapter 2, Revised Civil Statutes, 1911, providing for the payment of an occupation tax by individuals, companies, corporations and associations in this State selling pistols, and declaring an emergency."

The bill having been received from the Senate today, with a message from the Governor, notifying the Senate of his disapproval of same.

Question—Shall the bill be passed notwithstanding the objections of the Governor?

Mr. Williams of McLennan moved that the bill and message be laid on the table subject to call.

Question recurring on the motion of Mr. Williams of McLennan, yeas and nays were demanded.

The motion was lost by the following vote:

Yeas—55.

Aiken.	Bass.
Baldwin.	Black, W. A.,
Barrett of Fannin.	of Bexar.

Brown.	Mathes.
Burmeister.	Melson.
Carpenter.	Menking.
Cummins.	Merriman.
Curtis.	Miller of Dallas.
Davis, John E.,	Morgan.
of Dallas.	Perkins of Lamar.
Duncan.	Pope.
Edwards.	Quaid.
Fly.	Rowland.
Fugler.	Schweppe.
Greer.	Sims.
Henderson	Smith.
of McLennan.	Sneed.
Hendricks.	Stephens.
Johnson	Stevenson.
of Gillespie.	Teer.
Johnson of Ellis.	Thomason.
Johnson	Thompson
of Wichita.	of Harris.
Jones.	Walker.
Kacir.	Webb.
Kellis.	Wessels.
Kveton.	Williams
Laird.	of McLennan.
McDaniel.	Williams
McFarlane.	of Montgomery.
McKean.	Wright.
Malone.	

Nays—59.

Adams.	McCord.
Baker.	Martin.
Barker.	Marshall.
Barrett of Bell.	Moore.
Beasley	Morris of Medina.
of Hopkins.	Morris
Binkley.	of Montague.
Bonham.	Neblett.
Branch.	Owen.
Bryant.	Patman.
Burns.	Perkins
Childers.	of Cherokee.
Chitwood.	Pollard.
Coffee.	Quicksall.
Cox.	Quinn.
Crawford.	Rice.
Darroch.	Rogers of Harris.
Davis, John,	Rogers of Shelby.
of Dallas.	Rosser.
Duffey.	Rountree.
Estes.	Satterwhite.
Faubion.	Stewart of Reeves.
Garrett.	Swann.
Grissom.	Sweet of Brown.
Hanna.	Sweet of Tarrant.
Hardin.	Thompson
Harrington.	of Red River.
Hill.	Thorn.
King.	Thrasher.
Lauderdale.	Veatch.
Lawrence.	Wallace.
Looney.	

Present—Not Voting.

Burkett.	West.
Stewart	
of Edwards.	

## Absent.

Black, O. B., of Bexar.	Miller of Parker.
Horton.	Perry.
Laney.	Pool.
Lindsey.	Thomas
McLeod.	of Limestone.
	Wadley.

## Absent—Excused.

Beasley of McCulloch.	Henderson of Marion.
Beavens.	Lackey.
Brady.	Leslie.
Crumpton.	Mott.
Dinkle.	Seagler.
Hall.	Shearer.
Harrison.	Westbrook.

## Reasons for Vote.

Because I am interested in a hardware store, I will not vote on the measure, and request that I be recorded "present, not voting," on each roll call.

WEST.

I am not voting on Senate bill No. 45 because I am part owner of a hardware store.

## BURKETT.

I am marked present and not voting on Senate bill No. 45 because my father is engaged in the hardware business.

## STEWART of Edwards.

Mr. Williams of McLennan moved to postpone further consideration of the message and the bill until 11 o'clock a. m. tomorrow.

Question recurring on the motion of Mr. Williams of McLennan to postpone the matter until 11 o'clock a. m. tomorrow, yeas and nays were demanded.

The motion was lost by the following vote:

## Yeas—54.

Bass.	Johnson
Black, W. A., of Bexar.	of Wichita.
Brown.	Jones.
Burmeister.	Kacir.
Carpenter.	Kellis.
Cummins.	Kveton.
Curtis.	Looney.
Davis, John E., of Dallas.	McCord.
Duncan.	McDaniel.
Edwards.	McFarlane.
Fly.	McKean.
Greer.	Malone.
Henderson	Marshall.
of McLennan.	Menking.
Hendricks.	Merriman.
Johnson	Miller of Dallas.
of Gillespie.	Morgan.
Johnson of Ellis.	Morris
	of Montague.

Perkins  
of Cherokee.  
Perkins of Lamar.  
Pool.  
Pope.  
Quaid.  
Rowland.  
Schweppe.  
Sims.  
Smith.  
Sneed.  
Stevenson.  
Teer.

Thomason.  
Thompson  
of Harris.  
Thrasher.  
Walker.  
Webb.  
Wessels.  
Williams  
of McLennan.  
Williams  
of Montgomery.  
Wright.

## Nays—61.

Adams.  
Aiken.  
Baker.  
Baldwin.  
Barker.  
Barrett of Bell.  
Barrett of Fannin.  
Beasley  
of Hopkins.  
Binkley.  
Bonham.  
Branch.  
Bryant.  
Burns.  
Childers.  
Chitwood.  
Coffee.  
Cox.  
Crawford.  
Darroch.  
Davis, John,  
of Dallas.  
Duffey.  
Estes.  
Faubion.  
Fugler.  
Garrett.  
Grissom.  
Hanna.  
Hardin.  
Harrington.  
Hill.

King.  
Laird.  
Lauderdale.  
Lawrence.  
Lindsey.  
Martin.  
Melson.  
Moore.  
Morris of Medina.  
Neblett.  
Owen.  
Patman.  
Pollard.  
Quicksall.  
Quinn.  
Rice.  
Rogers of Harris.  
Rogers of Shelby.  
Rosser.  
Rountree.  
Satterwhite.  
Stephens.  
Stewart of Reeves.  
Swann.  
Sweet of Brown.  
Sweet of Tarrant.  
Thompson  
of Red River.  
Thorn.  
Veatch.  
Wallace.

## Present—Not Voting.

Burkett.	West.
Stewart of Edwards.	

## Absent.

Black, O. B., of Bexar.	Miller of Parker.
Horton.	Perry.
Laney.	Thomas
McLeod.	of Limestone.
Mathes.	Wadley.

## Absent—Excused.

Beasley of McCulloch.	Dinkle.
Beavens.	Hall.
Brady.	Harrison.
Crumpton.	Henderson of Marion.

Lackey.  
Leslie.  
Mott.

Seagler.  
Shearer.  
Westbrook.

Mr. Lawrence moved a call of the House for the purpose of maintaining a quorum pending consideration of Senate bill No. 45, and the call was duly seconded.

The Speaker then directed the Door-keeper to close the main entrance of the Hall and instructed the Sergeant-at-Arms to lock all other doors leading from the Hall, and stated that no member would be permitted to leave the Hall without written permission from the Speaker.

The roll was called and a quorum was announced present.

Mr. Miller of Dallas moved that the Sergeant-at-Arms be instructed to bring in the unexcused absentees, and the motion was lost.

Mr. Greer moved that the House adjourn until 10 o'clock a. m. tomorrow.

Yeas and nays were demanded, and the motion to adjourn was lost by the following vote:

Yeas—30.

Bass.	Pool.
Black, W. A.,	Quaid.
of Bexar.	Rowland.
Brown.	Schweppe.
Burmeister.	Sims.
Cummins.	Smith.
Edwards.	Sneed.
Fly.	Stevenson.
Greer.	Thompson
Henderson	of Harris.
of McLennan.	Walker.
Jones.	Webb.
Kellis.	Wessels.
McDaniel.	Williams
Miller of Dallas.	of McLennan.
Morgan.	Williams
Perkins of Lamar.	of Montgomery
Pollard.	

Nays—86.

Adams.	Childers.
Aiken.	Chitwood.
Baker.	Coffee.
Baldwin.	Cox.
Barker.	Crawford.
Barrett of Bell.	Curtis.
Barrett of Fannin.	Darroch.
Beasley	Davis, John E.,
of Hopkins.	of Dallas.
Binkley.	Davis, John,
Bonham.	of Dallas.
Branch.	Duffey.
Bryant.	Duncan.
Burkett.	Estes.
Burns.	Faubion.
Carpenter.	Fugler.

Garrett.  
Grissom.  
Hanna.  
Hardin.  
Harrington.  
Hendricks.  
Hill.  
Johnson  
of Gillespie.  
Johnson of Ellis.  
Johnson  
of Wichita.  
Kacir.  
King.  
Kveton.  
Laird.  
Lauderdale.  
Lawrence.  
Lindsey.  
Looney.  
McCord.  
McFarlane.  
McKean.  
Martin.  
Marshall.  
Mathes.  
Melson.  
Menking.  
Merriman.  
Moore.  
Morris of Medina.  
Morris  
of Montague.

Mott.  
Neblett.  
Owen.  
Patman.  
Perkins  
of Cherokee.  
Pope.  
Quicksall.  
Quinn.  
Rice.  
Rogers of Harris.  
Rogers of Shelby.  
Rosser.  
Rountree.  
Satterwhite.  
Stewart  
of Edwards.  
Stewart of Reeves.  
Swann.  
Sweet of Brown.  
Sweet of Tarrant.  
Teer.  
Thomason.  
Thompson  
of Red River.  
Thorn.  
Thrasher.  
Veatch.  
Wallace.  
West.  
Wright.

Absent.

Black, O. B.,	McLeod.
of Bexar.	Malone.
Dinkle.	Miller of Parker.
Henderson	Perry.
of Marion.	Stephens.
Horton.	Wadley.

Absent—Excused.

Beasley	Laney.
of McCulloch.	Leslie.
Beavens.	Seagler.
Brady.	Shearer.
Crumpton.	Thomas
Hall.	of Limestone.
Harrison.	Westbrook.
Lackey.	

Mr. Rice moved the previous question on consideration of the Governor's veto of Senate bill No. 45, and the main question was ordered.

Question—Shall Senate bill No. 45 be passed notwithstanding the objection of the Governor?

The Clerk was directed to call the roll and the House refused to pass the bill notwithstanding the objection of the Governor by the following vote:

Yeas—43.

Barrett of Fannin. Bass.

Black, W. A., of Bexar.	Marshall.
Brown.	Menking.
Burmeister.	Merriman.
Carpenter.	Miller of Dallas.
Cummins.	Morgan.
Curtis.	Perkins of Lamar.
Duncan.	Pool.
Edwards.	Quaid.
Greer.	Rowland.
Hardin.	Sims.
Johnson	Smith.
of Gillespie.	Sneed.
Johnson	Teer.
of Wichita.	Thompson
Jones.	of Harris.
Kacir.	Walker.
Kellis.	Webb.
Kveton.	Wessels.
Laird.	Williams
Lindsey.	of McLennan.
McDaniel.	Williams
McFarlane.	of Montgomery.
McKean.	Wright.

## Nays—71.

Adams.	Lawrence.
Aiken.	Looney.
Baker.	McCord.
Baldwin.	Martin.
Barker.	Mathes.
Barrett of Bell.	Melson.
Beasley	Moore.
of Hopkins.	Morris of Medina.
Binkley.	Morris
Bonham.	of Montague.
Branch.	Neblett.
Bryant.	Owen.
Burkett.	Patman.
Burns.	Perkins
Childers.	of Cherokee.
Chitwood.	Pollard.
Coffee.	Pope.
Cox.	Quicksall.
Crawford.	Quinn.
Darroch.	Rice.
Davis, John E.,	Rogers of Shelby.
of Dallas.	Rosser.
Davis, John,	Rountree.
of Dallas.	Satterwhite.
Duffey.	Schweppe.
Estes.	Stephens.
Faubion.	Stevenson.
Fugler.	Stewart of Reeves.
Garrett.	Swann.
Grissom.	Sweet of Brown.
Hanna.	Sweet of Tarrant.
Harrington.	Thomason.
Henderson	Thompson
of McLennan.	of Red River.
Hendricks.	Thorn.
Hill.	Thrasher.
Johnson of Ellis.	Veatch.
King.	Wallace.
Lauderdale.	

## Present—Not Voting.

Fly.	West.
Stewart of Edwards.	

## Absent.

Black, O. B.,	Miller of Parker.
of Bexar.	Perry.
Horton.	Thomas
Laney.	of Limestone.
McLeod.	Wadley.

## Absent—Excused.

Beasley	Henderson
of McCulloch.	of Marion.
Beavens.	Lackey.
Brady.	Leslie.
Crumpton.	Mott.
Dinkle.	Seagler.
Hall.	Shearer.
Harrison.	Westbrook.

## Paired.

Mr. Rogers of Harris (present), who vote "nay," with Mr. Malone (absent), who would vote "yea."

Mr. Veatch moved to reconsider the vote by which the House refused to pass the bill and to table the motion to reconsider.

The motion to table prevailed.

## MOTION TO RECONSIDER.

Mr. Morris of Medina moved to reconsider the vote by which an amendment by Mr. Darroch to House bill No. 431 was adopted and asked to have the motion to reconsider spread on the Journal.

## NOTICES GIVEN.

Mr. Coffee gave notice that he would on tomorrow call up for consideration at that time House bill No. 115, which bill has heretofore been read second time and laid on the table subject to call.

Mr. Curtis gave notice that he would on tomorrow call up for consideration at that time House bill No. 72, which bill has heretofore been read second time and laid on the table subject to call.

Mr. Morris of Medina gave notice that he would on tomorrow call up for consideration at that time, House bill No. 431, which bill has heretofore been read second time and laid on the table subject to call.

## HOUSE BILL NO. 472 ON SECOND READING.

On motion of Mr. Neblett, the regular order of business was suspended to take

up and have placed on its second reading and passage to engrossment,

H. B. No. 472, A bill to be entitled "An Act to authorize those counties in this State which have issued road bonds since the first day of January, A. D. 1919, bearing interest at less than six per cent per annum on the dollar, which have not been sold, to sell the same, at the market price, and for that purpose the county commissioners court of such county is authorized to use so much of the general fund of such county as may be necessary to pay attorneys' fees and brokers' commission to effect a sale of such bonds at par, and declaring an emergency."

The Speaker laid the bill before the House, and it was read second time.

Mr. Neblett offered the following amendment to the bill:

Amend House bill No. 472 by striking out all after the enacting clause and insert the following:

Section 1. Amend Article 632 of the Revised Civil Statutes of the State of Texas, 1911, compilation so as to hereafter read as follows, to wit:

Article 632. Such bonds shall mature not later than thirty years from their date, except as otherwise provided in Articles 637a and 637b hereof, with such options of redemption as may be fixed by the commissioners court, or such bonds may be issued to mature serially in approximately equal portions every year for not exceeding thirty years; and such bonds shall bear not more than six per cent interest per annum, and which bonds shall be examined by the Attorney General of Texas, and registered by the Comptroller of Public Accounts of Texas, and such bonds, when so issued, shall continue in the custody of and under the control of the commissioners court of the county in which they were issued, and shall be by said court sold to the highest and best bidder, for cash, either in whole or in parcels, at not less than their par value, and the purchase money therefore shall be placed in the county treasury of such county to the credit of the available road fund of such county, or of such political subdivision or defined district, of such county as the case may be; provided, that if the commissioners court is unable, after properly advertising for bids in some newspaper in the county for ten days, offering such bonds for sale, to get par value for said bonds, the commissioners court may bring an action in the district court in any county of the judicial district in which said county or district, or any part thereof, may be situated; or in the District Court of

Travis county, to determine the value of said bonds. Such action will be in the nature of a proceeding in rem, and jurisdiction over all parties interested may be had by publication of a general notice thereof once each week for at least two consecutive weeks, in some paper of general circulation, published in the county issuing such bonds, and if no paper is published in the county, then same shall be published in the next county thereto where a paper is published. Notice will also be served upon the Attorney General of the State of Texas, and the county attorney and district attorney of such district in which such county issuing the bonds is situated, of the pendency of said action, in the same manner as in civil suits.

The Attorney General, county and district attorneys may waive service in such suits when furnished the full transcript of the proceedings had in connection with the issuance of said bonds, and it shall be their duty to make a careful examination of all such proceedings and secure such further evidence and make such further investigation as may seem to them advisable. They shall then file an answer tendering the issue as to whether such bonds can be disposed of at par value or more than par value or less than par value; and the issue thus made shall be tried and determined by the court, and judgment entered upon such finding.

Upon the trial of such case, the court may permit any person having an interest in the issues to be determined, to intervene and participate in the trial of the issues made. All suits brought under the provisions of this act shall have preference over all other actions, in order that a speedy determination as to the matters involved may be reached.

Upon the trial of the issues made under the said proceedings, if the judgment of the court shall be that said bonds should not be sold for less than their par value, then the judgment of the district court shall be rendered and finally made and entered, directing said commissioners court not to sell such bonds for less than their par value; but if said judgment in said court shall be that the true market value and salable price of said bonds is less than their par value, then said court shall in its judgment, fix the minimum price for which said commissioners court shall sell said bonds, and said judgment so finally made and entered shall be received as res adjudicata in all matters or cases arising in connection with the value of said bonds and the minimum

price for which said commissioners court may make sale of such bonds; and provided also, that if it is deemed advisable by the commissioners court said bonds or any part thereof may be by said court given in exchange and in payment for work already done in the construction, maintenance and operation of macadamized, graveled or paved roads and turnpikes, but in such case said bonds shall not be transferred at less than their par value with accrued interest and their par value with accrued interest shall be obtained either in cash or for labor already performed; provided, that the expense incurred in surveying the boundaries of a political subdivision or defined district of the county and other expenses incident to the issuance of bonds of such political subdivision or defined districts shall be paid from the proceeds of the sale of the bonds of the district. Such warrants shall be paid out by the county treasurer upon warrants drawn on such funds issued by the county clerk of the county, countersigned by the county judge, upon certified accounts approved by the commissioners court of the county, when such funds belong to the entire county; and, when such funds belong to a political subdivision or defined district of the county, they shall be paid out by the county treasurer upon warrants issued by the county clerk, upon certified accounts of the road superintendent of such road district, and approved by the commissioners court of the county.

Sec. 3. The fact that a number of counties in this State have issued road bonds since the first day of January, 1918, bearing interest at less than six per cent per annum on the dollar, which have not been sold, and have entered into contracts for the construction of public roads, and are now constructing the same, with the expectation of being able to sell their bonds at par to finance the projects. And the further fact that such counties are unable to finance such road projects, unless they sell their road bonds. And the further fact that the Highway Department of Texas will refuse to grant aid to such counties engaged in road construction, that are unable to finance the project, creates an emergency and an imperative public necessity, which requires the constitutional rule which provides that bills shall be read on three several days, be suspended, and said rule is hereby suspended, and this act shall take effect and be in force from and after its passage, and it is so enacted.

Mr. Darroch offered the following substitute for the amendment:

Amend House bill No. 472 by inserting a comma after the word "par," line 26, and by adding after the word "par," in line 26, the following: "not to exceed in amount five per cent of the face value of such bonds."

Question—Shall the substitute be adopted.

#### SENATE BILL ON FIRST READING.

The following Senate bill received from the Senate today was laid before the House, read first time, and referred to the appropriate committee, as follows:

Senate bill No. 237, to the Committee on Criminal Jurisprudence.

#### RECESS.

Mr. Fly moved that the House recess until 7:30 o'clock p. m. today.

Mr. Owen moved that the House adjourn until 9 o'clock a. m. tomorrow.

Mr. Miller of Dallas moved that the House recess until 9 o'clock a. m. tomorrow.

The motion of Mr. Fly prevailed, and the House, accordingly, at 6:10 o'clock p. m., took recess until 7:30 o'clock p. m. today.

#### NIGHT SESSION.

The House met at 7:30 o'clock p. m., and was called to order by Speaker Thomas.

#### HOUSE BILL NO. 472 ON ENGROSSMENT.

The House resumed consideration of pending business, the same being House bill No. 472, relating to the sale of certain road bonds by commissioners courts, on its passage to engrossment, with amendment by Mr. Neblett and substitute for the amendment by Mr. Darroch pending.

Question—Shall the substitute be adopted?

On motion of Mr. John Davis of Dallas, the bill was laid on the table subject to call.

#### NOTICE GIVEN.

Mr. Neblett gave notice that he would on tomorrow call up for consideration at that time House bill No. 472, which bill has heretofore been read second time and laid on the table subject to call.

HOUSE BILL NO. 187 ON SECOND  
READING.

On motion of Mr. Johnson of Wichita, the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment,

H. B. No. 187, A bill to be entitled "An Act to define, regulate and license real estate brokers and real estate salesmen; to create a State Real Estate Commission, and to provide a penalty for a violation of the provisions hereof."

The Speaker laid the bill before the House and it was read second time.

Mr. Curtis offered the following amendment to the bill:

Amend House bill No. 187, Section 4, page 2, of printed bill, by striking out all of said Section 4 and insert in lieu thereof the following:

"Sec. 4. There is hereby created the Texas Real Estate Commission, composed of the chairman of the Railroad Commission as chairman, and the Commissioner of the General Land Office and the Secretary of State, each of whom shall hold his place on said Real Estate Commission during his term of State office; each member of said commission hereby created shall receive as full compensation for his service on said commission the sum of fifteen dollars per day for the time actually devoted to said service and his actual, necessary expenses incurred in the performance of the duties pertaining to said commission, all of said amounts to be paid only upon verified, itemized statements thereof."

Mr. Patman offered the following amendment to the bill:

Amend House bill No. 187 by striking out the enacting clause.

Signed—Patman, John Davis of Dallas.

Mr. Thompson of Harris moved the previous question on the pending amendments and the engrossment of the bill, and the main question was ordered.

Question first recurring on the amendment by Mr. Patman to strike out the enacting clause of the bill, yeas and nays were demanded.

The amendment was adopted by the following vote:

Yeas—75.

Aiken.	Bass.
Baker.	Beasley
Baldwin.	of McCulloch.
Barker.	Binkley.
Barrett of Bell.	Black, W. A.,
Barrett of Fannin.	of Bexar.

Bonham.  
Branch.  
Brown.  
Bryant.  
Burkett.  
Burns.  
Childers.  
Chitwood.  
Crawford.  
Darroch.  
Davis, John E.,  
of Dallas.  
Davis, John,  
of Dallas.  
Duffey.  
Edwards.  
Fly.  
Greer.  
Grissom.  
Hanna.  
Hardin.  
Harrington.  
Hill.  
Horton.  
Jones.  
Kellis.  
King.  
Laird.  
Lawrence.  
Looney.  
McCord.  
McDaniel.  
McKean.  
Marshall.  
Melson.  
Menking.  
Miller of Dallas.

Morris of Medina.  
Morris  
of Montague.  
Neblett.  
Patman.  
Perkins  
of Cherokee.  
Pollard.  
Quicksall.  
Rice.  
Rosser.  
Rountree.  
Schweppe.  
Seagler.  
Stevenson.  
Stewart  
of Edwards.  
Stewart of Reeves.  
Swann.  
Sweet of Brown.  
Sweet of Tarrant.  
Thompson  
of Harris.  
Thompson  
of Red River.  
Thorn.  
Thrasher.  
Veatch.  
Walker.  
Wallace.  
Wessels.  
West.  
Williams  
of McLennan.  
Williams  
of Montgomery.  
Wright.

Nays—37.

Beasley	Martin.
of Hopkins.	Mathes.
Burmeister.	Merriman.
Coffee.	Miller of Parker.
Cox.	Morgan.
Cummins.	Moore.
Curtis.	Perkins of Lamar.
Duncan.	Perry.
Faubion.	Pool.
Fugler.	Pope.
Garrett.	Quaid.
Hendricks.	Quinn.
Johnson of Ellis.	Rogers of Harris.
Johnson	Satterwhite.
of Wichita.	Sims.
Kacir.	Smith.
Kveton.	Teer.
Lauderdale.	Thomason.
McFarlane.	Webb.
Malone.	

Absent.

Adams.	Henderson
Black, O. B.,	of McLennan.
of Bexar.	Johnson
Carpenter.	of Gillespie.
Estes.	Laney.

Lindsey.	Sneed.
McLeod.	Stephens.
Owen.	Thomas
Rogers of Shelby.	of Limestone.
Rowland.	Wadley.

Absent—Excused.

Beavens.	Henderson
Brady.	of Marion.
Crumpton.	Lackey.
Dinkle.	Leslie.
Hall.	Mott.
Harrison.	Shearer.
	Westbrook.

Mr. Patman moved to reconsider the vote by which the amendment was adopted and to table the motion to reconsider.

The motion to table prevailed.

#### BILLS ORDERED NOT PRINTED.

On motion of Mr. Thomason, it was ordered that House bills Nos. 554, 555, 537, 563 and 559 be not printed.

#### HOUSE BILL NO. 366 ON SECOND READING.

On motion of Mr. Moore, by unanimous consent, the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment.

H. B. No. 366, A bill to be entitled "An Act to amend Article 3867, Title 58, Chapter 3, of the Revised Civil Statutes of 1911, and Article 1175, Title 15, Chapter 4, of the Code of Criminal Procedure of 1911, providing for the increase of the fees of justices of the peace in this State in civil and criminal cases, and declaring an emergency."

The Speaker laid the bill before the House and it was read second time.

Mr. Moore offered the following amendment to the bill:

Amend House bill No. 366 by inserting the following immediately after Section 1, page 2, and immediately before Section 2, to wit: "Provided, that it shall be the duty of the commissioners courts of the various counties to provide offices for all justice courts in their respective counties at the expense of the county, when such justice courts are held in county site towns and in towns and cities other than county sites having a population of 1,000 or more under the census of 1920."

The amendment was adopted.

Mr. West offered the following amendment to the bill:

Amend House bill No. 366 by striking out all of Section 2 of said bill.

On motion of Mr. Duffey, the amendment was tabled.

Mr. Cox offered the following amendment to the bill:

Amend House bill No. 366, line 31, page 1, by striking out the word "or," in line 31, and inserting a comma, and by striking out the period after the word "sequestration" and inserting a comma, and by adding the following: "garnishment or distress."

The amendment was adopted.

Mr. Cox offered the following amendment to the bill:

Amend House bill No. 366 by adding the following at the bottom of page 1: "Each application and affidavit for forcible entry and detainer or forcible detainer, \$1.00."

The amendment was adopted.

Mr. Martin offered the following amendment to the bill:

Amend House bill No. 366 by striking out in line 31, page 1, the figures "3.00" and substitute the figures "\$1.50."

Mr. Cummins offered the following amendment to the bill:

Amend House bill No. 366 by striking out the enacting clause.

Mr. Edwards moved the previous question on the pending amendments and the engrossment of the bill, and the main question was ordered.

Question first recurring on the amendment striking out the enacting clause of the bill, yeas and nays were demanded.

The amendment was lost by the following vote:

Yeas—42.

Black, W. A.,	McFarlane.
of Bexar.	McKean.
Bonham.	Merriman.
Branch.	Morris of Medina.
Burmeister.	Perkins of Lamar.
Burns.	Quaid.
Childers.	Quicksall.
Crawford.	Quinn.
Cummins.	Schweppe.
Davis, John E.,	Seagler.
of Dallas.	Stephens.
Duncan.	Stevenson.
Edwards.	Swann.
Faubion.	Sweet of Tarrant.
Grissom.	Thompson
Hanna.	of Harris.
Harrington.	Walker.
Johnson	Webb.
of Wichita.	Wessels.
Kellis.	West.
King.	Williams
Lauderdale.	of McLennan.
Looney.	Williams
McDaniel.	of Montgomery.

## Nays—57.

Aiken.	Malone.
Baker.	Martin.
Baldwin.	Marshall.
Barrett of Fannin.	Mathes.
Beasley	Melson.
of Hopkins.	Menking.
Beasley	Miller of Dallas.
of McCulloch.	Miller of Parker.
Binkley.	Morgan.
Bryant.	Moore.
Burkett.	Morris
Chitwood.	of Montague.
Coffee.	Neblett.
Cox.	Patman.
Curtis.	Perry.
Davis, John,	Pollard.
of Dallas.	Pool.
Duffey.	Pope.
Fly.	Rosser.
Fugler.	Satterwhite.
Garrett.	Sims.
Greer.	Smith.
Hardin.	Stewart
Hendricks.	of Edwards.
Hill.	Stewart of Reeves.
Horton.	Teer.
Jones.	Thompson
Kacir.	of Red River.
Kveton.	Thorn.
Laird.	Wallace.
Lawrence.	Wright.
Lindsey.	

Present—Not Voting.

Veatch.

## Absent.

Adams.	McLeod.
Barker.	Owen.
Barrett of Bell.	Perkins
Bass.	of Cherokee.
Black, O. B.,	Rice.
of Bexar.	Rogers of Harris.
Brown.	Rogers of Shelby.
Carpenter.	Rountree.
Estes.	Rowland.
Henderson	Sneed.
of McLennan.	Sweet of Brown.
Johnson	Thomas
of Gillespie.	of Limestone.
Johnson of Ellis.	Thomason.
Laney.	Thrasher.
McCord.	Wadley.

## Absent—Excused.

Beavens.	Henderson
Brady.	of Marion.
Crumpton.	Lackey.
Darroch.	Leslie.
Dinkle.	Mott.
Hall.	Shearer.
Harrison.	Westbrook.

Question next recurring on the amendment by Mr. Martin, it was adopted.

Question then recurring on the engrossment of the bill, yeas and nays were demanded.

The bill was passed to engrossment by the following vote:

## Yeas—51.

Aiken.	Lindsey.
Baker.	Looney.
Baldwin.	Malone.
Barrett of Fannin.	Martin.
Beasley	Marshall.
of McCulloch.	Mathes.
Binkley.	Menking.
Bonham.	Miller of Dallas.
Bryant.	Miller of Parker.
Burkett.	Moore.
Coffee.	Morris
Cox.	of Montague.
Crawford.	Neblett.
Duffey.	Patman.
Edwards.	Perry.
Fugler.	Pollard.
Garrett.	Pope.
Greer.	Satterwhite.
Hardin.	Sims.
Hendricks.	Smith.
Hill.	Stewart
Horton.	of Edwards.
Jones.	Teer.
Kacir.	Thompson
Kellis.	of Red River.
Kveton.	Thorn.
Laird.	Wright.
Lawrence.	

## Nays—44.

Beasley	Melson.
of Hopkins.	Merriman.
Black, W. A.,	Morgan.
of Bexar.	Morris of Medina.
Branch.	Perkins of Lamar.
Brown.	Pool.
Burmeister.	Quaid.
Burns.	Quicksall.
Childers.	Quinn.
Cummins.	Schweppe.
Curtis.	Seagler.
Davis, John,	Stephens.
of Dallas.	Stevenson.
Duncan.	Stewart of Reeves.
Faubion.	Sweet of Tarrant.
Fly.	Thompson
Grissom.	of Harris.
Hanna.	Walker.
Harrington.	Wallace.
Johnson	Webb.
of Wichita.	Wessels.
King.	West.
Lauderdale.	Williams
McDaniel.	of McLennan.
McFarlane.	Williams
McKean.	of Montgomery.

Present—Not Voting.

Veatch.

## Absent.

Adams.	McLeod.
Barker.	Owen.
Barrett of Bell.	Perkins
Bass.	of Cherokee.
Black, O. B.,	Rice.
of Bexar.	Rogers of Harris.
Carpenter.	Rogers of Shelby.
Chitwood.	Rosser.
Davis, John E.,	Rountree.
of Dallas.	Rowland.
Estes.	Sneed.
Henderson	Swann.
of McLennan.	Sweet of Brown.
Johnson	Thomas
of Gillespie.	of Limestone.
Johnson of Ellis.	Thomason.
Laney.	Thrasher.
McCord.	Wadley.

## Absent—Excused.

Beavens.	Henderson
Brady.	of Marion.
Crumpton.	Lackey.
Darroch.	Leslie.
Dinkle.	Mott.
Hall.	Shearer.
Harrison.	Westbrook.

## HOUSE BILL NO. 189 ON SECOND READING.

On motion of Mr. Beavens, the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment,

H. B. No. 189. A bill to be entitled "An Act to amend Article 1546 of Chapter 7 of the Revised Statutes adopted at the Regular Session of the Thirty-second Legislature, 1911, entitled 'Proceedings in Cases in the Supreme Court.'"

The Speaker laid the bill before the House, it was read second time, and was passed to engrossment.

## HOUSE BILL NO. 224 ON THIRD READING.

On motion of Mr. Williams of McLennan, by unanimous consent, the regular order of business was suspended to take up and have placed on its third reading and final passage,

H. B. No. 224. A bill to be entitled "An Act to amend Sections 1 and 15 of Chapter 81 of the General Laws of the State of Texas, passed by the Fourth Called Session of the Thirty-fifth Legislature, approved April 3, 1918, creating the Commission of Appeals of the State of Texas, as amended by Chapter 34 of the General Laws of the State of Texas, passed by the Second Called Session of

the Thirty-sixth Legislature, approved July 25, 1919, extending the term of said commission to the last Saturday in June, 1921, and providing for the appointment of judges for said extended term; providing for the extension of the term of said commission from the last Saturday in June, 1923, for the appointment of judges for said extended term, and declaring an emergency."

The Speaker laid the bill before the House, it was read third time, and was passed.

## ADJOURNMENT.

Mr. Veatch moved that the House adjourn until 9:30 o'clock a. m. tomorrow.

Mr. Merriman moved that the House recess until 9:30 o'clock a. m. tomorrow.

The motion to adjourn prevailed, and the House, accordingly, at 11 o'clock p. m., adjourned until 9:30 o'clock a. m. tomorrow.

## APPENDIX.

## STANDING COMMITTEE REPORTS.

The following standing committees filed favorable reports today on bills, as follows:

Education: House bills Nos. 556, 536, 552, 557, 555, 554.

Live Stock and Stock Raising: House bills Nos. 534, 547.

Liquor Traffic: House bill No. 546.

Judiciary: House bill No. 529.

Public Lands and Buildings: House bill No. 477.

## REPORT OF COMMITTEE ON EN-GROSSED BILLS.

Committee Room,

Austin, Texas, February 28, 1921.

Hon. Charles G. Thomas, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

H. B. No. 120, A bill to be entitled "An Act providing that persons, firms or corporations who operate or conduct hotels, cafes, restaurants, dining cars or other public eating places, bakeries and meat markets in this State, shall not employ or keep in their employ any person who is infected with or affected by any infectious or contagious disease; and further providing that such persons, firms or corporations or common carriers operating places heretofore named or operating any bakery or meat mar-

ket, shall have made a medical inspection of all their employees at intervals of time of not more than six months, and if such examination discloses the fact that any person in their employment is infected with or affected by any infectious or contagious disease that such person shall promptly be discharged from such employment; and further providing that all dishes, receptacles or other utensils used in eating or drinking, or for the conveyance of articles of food, shall be thoroughly cleansed since used by another person, and prohibiting the use of dishes, receptacles or other utensils that are cracked or broken in such a manner as to render their sterilization impossible or doubtful, and providing penalties for a violation of the provisions of this act, and declaring an emergency."

H. B. No. 230, A bill to be entitled "An Act authorizing any steam or electric interurban railway company or sleeping car company, or chartered transportation company, or the receivers or lessees thereof, or the persons operating the same, or officers, agents or employees thereof, to grant free passes to any person who is now receiving or may hereafter receive a pension from the State of Texas under the provisions of Section 51 of Article 3 of the Constitution of the State of Texas; providing how proof of such fact may be made, and declaring an emergency."

H. B. No. 240, A bill to be entitled "An Act to amend Chapter 143 of the General Laws of the State of Texas passed by the Thirty-third Legislature at the Regular Session thereof, being 'An Act to amend Article 4694 of the Revised Civil Statutes of 1911, giving cause of action where injuries resulting in death is caused by the negligence of a corporation, its agents or servants, and declaring an emergency'; by giving a cause of action for injuries resulting in death against any person, association of persons, joint stock company, corporation, his, its, or their owner, agents or servants, against the proprietor, owner, charterer or hirer of any industrial or public utility plant, railroad, street railway, steamboat, stage coach or other vehicle for the conveyance of goods or passengers, and against the receiver or receivers, trustee or trustees, or other person or persons in charge or in control of any railroad, street railway, steamboat, stage coach, or other vehicle for the conveyance of goods or passengers, or any industrial plant, public utility plant or other machinery, where such injuries result from the

negligence of the persons, corporations, trustees or joint stock companies, their agents or servants; providing that no agreement between the owner of certain property and utility plant and the persons or trustees operating the same shall release such persons or trustees from liability under this act; repealing all laws in conflict herewith; providing that the invalidity of any provision hereof shall not affect the remaining provisions, and declaring an emergency."

H. B. No. 291, A bill to be entitled "An Act further regulating the increase of capital stock of State banks or banking corporations, amending Article 564, Chapter 6, Title 14, Revised Civil Statutes of the State of Texas, 1911, requiring the increase of the capital stock of banks, through orders of the State Banking Board when the statements of the said banks show excessive increase of average daily deposits as compared to the capital stock and surplus of said banks by providing that the State Banking Board may relieve such bank of such order upon finding of conditions justifying such relief; and declaring it to be an offense to receive deposits after refusal or failure of such bank or banking corporation to comply with any order or requirement of the State Banking Board pursuant to the provisions of this act, and fixing the penalty and punishment therefor."

And find the same correctly engrossed.  
SNEED, Chairman.

### THIRTY-FIFTH DAY.

(Tuesday, March 1, 1921.)

The House met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Thomas.

The roll was called and the following members were present:

Adams.	Black, W. A.,
Aiken.	of Bexar.
Baker.	Bonham.
Baldwin.	Branch.
Barker.	Brown.
Barrett of Bell.	Bryant.
Barrett of Fannin.	Burkett.
Bass.	Burmeister.
Beasley	Burns.
of Hopkins.	Carpenter.
Beasley	Childers.
of McCulloch.	Chitwood.
Beavens.	Coffee.
Binkley.	Cox.
Black, O. B.,	Crawford.
of Bexar.	Cummins